

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District	MIDDLE
Name (under which you were convicted):		TERRY LEON, CARR	Docket or Case No. 3:06-cv-844-MEF CC-85-745
Place of Confinement:		BULLOCK CORRECTIONAL	Prisoner No. 14.26.07
Petitioner (include the name under which you were convicted)		Respondent (authorized person having custody of petitioner)	
TERRY LEON, CARR		v. ARNOLD M. HOLT: WARDEN	
The Attorney General of the State of		TROY KING	

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: LEE
COUNTY CIRCUIT COURT
See additional attachments
- (b) Criminal docket or case number (if you know): CC-85-745
- (a) Date of the judgment of conviction (if you know): October 31, 1985
- (b) Date of sentencing: October 31, 1985
- Length of sentence: LIFE SENTENCE
- In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
- Identify all crimes of which you were convicted and sentenced in this case: I have only
one Crime Charge, and that is a Murder Conviction
See attachments Sheets Part one,
and Part two additional information sheet,
- (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? I only Pleaded not guilty to Murder,

See attachments

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☒ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: Criminal Court of Appeals

(b) Docket or case number (if you know): I don't know the Case numbers

(c) Result: final Judgment affirmance 4-15-87

(d) Date of result (if you know): APri 15th, 1987

(e) Citation to the case (if you know): I don't know

(f) Grounds raised: I don't know because I have never been furnished a COPY of the appeals brief, and the transcript court record Procedures documents

Please review the additional Page attachments information

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: NA

(2) Docket or case number (if you know): NA

(3) Result: NA

(4) Date of result (if you know): NA

(5) Citation to the case (if you know): NA

(6) Grounds raised: NA

See attachments

See attachments

Page 4

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know):

NA

(2) Result:

NA

(3) Date of result (if you know):

(4) Citation to the case (if you know):

NA

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Lee County Circuit Court

(2) Docket or case number (if you know): CC-85-745

(3) Date of filing (if you know): 12-21-89

(4) Nature of the proceeding: Rule 32

(5) Grounds raised: Petition for relief from conviction or sentence, illegal sentence and conviction, Circuit Court refuse to furnish the petitioner with a copy of his trial transcript records, or a copy of his appeals brief, The petitioner Eighth Amendment have been violated within the United States Constitutional rights Trial Counsel did not furnish a copy of the appeals brief, or a copy of the transcript

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result:

NA affirmed

(8) Date of result (if you know):

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Lee County Circuit Court

(2) Docket or case number (if you know):

(3) Date of filing (if you know): 1-4-90

(4) Nature of the proceeding: Rule 32

(5) Grounds raised: Relief from conviction or sentence illegal sentence

See attachments

See attachments

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: NA affirmed. No opinion

(8) Date of result (if you know): 1-31-90

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: Lee County Circuit Court

(2) Docket or case number (if you know): CC-85-745

(3) Date of filing (if you know): 9-10-92

(4) Nature of the proceeding: Motion for Reduction of Sentence

(5) Grounds raised: did not receive a correct notice of the range of sentence before trial, the trial court did not give the Petitioner a reasonable notice of the maximum and minimum that he could receive as a sentence, I could not file any other remedies or issue because the circuit court nor trial counsel never have furnished the petitioner a copy of the trial record transcript, or the appeals brief

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: Affirmed - See attachments

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☒ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: I never have received a copy of the appeals brief or a copy of the trial transcript record
See attachments

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: The Court never gave the Petitioner a notice of the Maximum, and Minimum Sentence range

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): I have know transcript record, or the said appeals brief to work with

See attachments

(b) If you did not exhaust your state remedies on Ground One, explain why: I never received the trial Court records, Please review the additional attachments information

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: I Still have not been furnished with a copy of the transcript, or the appeals Please review the additional attachments

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32 - See Additional Attachments

Name and location of the court where the motion or petition was filed: Lee County Circuit Court

Docket or case number (if you know): CC-85-745

Date of the court's decision: See Attachment information

Result (attach a copy of the court's opinion or order, if available): Please review
the additional information attachments

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: review additional
information attachment attachments

Docket or case number (if you know): _____

Date of the court's decision: review additional attachments

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

See the additional attachment information

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: See additional information
attachments

GROUND TWO: See the attachments information

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

review additional information attachments

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: The Court never gave the Petitioner a notice of the MAXIMUM, and MINIMUM Sentence range

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): I have know transcript record, or the said appeals brief to work with

See attachments

(b) If you did not exhaust your state remedies on Ground One, explain why: I never received the trial Court records, Please review the additional attachments information

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: I Still have not been furnished with a COPY of the transcript, or the appeals Please review the additional attachments

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32 - See Additional Attachments

Name and location of the court where the motion or petition was filed: Lee County Circuit Court

Docket or case number (if you know): CC-85-745

Date of the court's decision: See Attachment information

Result (attach a copy of the court's opinion or order, if available): Please review
the additional information attachments

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: review additional
information attachment attachments

Docket or case number (if you know): _____

Date of the court's decision: review additional attachments

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

See the additional attachment information

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: See additional information
attachments

GROUND TWO: See the attachments information

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

review additional information attachments

(b) If you did not exhaust your state remedies on Ground Two, explain why: See attachments
information

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: See attachments
information

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: See attachments

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: See attachments

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): See attachments

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

See attach ment

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: See attachments

GROUND THREE: See attachments

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why: See attachments

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: See attachments

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: See attachments

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): See attachments

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: See attachments

Docket or case number (if you know): See attachments

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

See attachments

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: See attachments

GROUND FOUR: See additional attachments

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Four, explain why: See and review the additional attachments

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: see attachments

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: see attachments

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): see attachments

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: see attachments

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): see attachments

See attachments information

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

See attachments information

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: see attachments

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☐

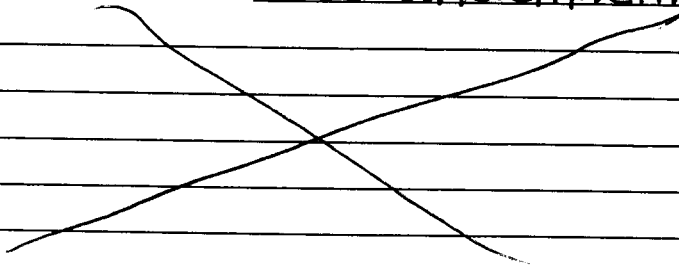
If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: I have never received MY trial transcript

or a COPY of the appeals brief, see additional attachments information

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: See attachments

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. See attachments information



15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

NA

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Thomas E. Jones

(b) At arraignment and plea: Thomas E. Jones

(c) At trial: Thomas E. Jones 1438 Opelika Road, OR P.O. Box 1567
Auburn, Alabama 36831-1567

(d) At sentencing: Thomas E. Jones

(e) On appeal: Thomas E. Jones P.O. Box 1567

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: No Counsel
Pro-Se

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

NA _____ NA _____ NA

(b) Give the date the other sentence was imposed: _____

NA

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I, now have served over 21 Years Without knowing what information is or not in MY trial transcript record, I don't know what information that's in the said appeals brief document,

The Lee County Circuit Court records will show that I have not yet been served with a copy of MY trial transcript records, there is no showing that the records were ever forwarded to MY mailing address in over 21 Years of MY incarceration

I still need MY criminal trial transcript, and MY said appeals brief copies,

The Lee County Circuit Court have caused this problem, I have been trying to work on MY case but I have nothing to work with toward a good successful appeals proceeding, Lee County Circuit Court have violated MY constitutional rights within this delay statute of limitation problems,

Please review Part one, and Part two additional information sheet,

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: Conviction or the Sentence, or have the Lee County Circuit Court to forward me the entitled document records
or any other relief to which petitioner may be entitled.

NA

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____
_____ (month, date, year):

Executed (signed) on 9/19/06 (date).

Terry Leon Carr

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

* * * * *

PART TWO (2)

Page one (1)

PETITION FOR RELIEF FROM A CONVICTION OR
SENTENCE, BY A PERSON IN STATE CUSTODY
PETITION UNDER 28 U.S.C. § 2254 FOR A WRIT - -
OF HABEAS CORPUS

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, MONTGOMERY, ALABAMA

TERRY LEON, CARR
PETITIONER

VS.

STATE OF ALABAMA
RESPONDENTS

Arnold M. Holt, Warden^{III}, of Bullock Correctional Facility
P.O. Box #5107 Union Springs, Alabama 36089,

Troy King, the Alabama Attorney General, for the State of
Alabama, office of the Attorney General, Criminal Appeals
Division #11 South Union Street, Montgomery, AL 36103

LEE COUNTY CIRCUIT Court, LEE COUNTY JUSTICE CENTER
#2311 GATEWAY DRIVE, ROOM 104 Opelika, ALABAMA 36801

Page two (2)

EXTRAORDINARY

ON APPEAL FROM THE CIRCUIT COURT OF LEE
COUNTY ALABAMA,

The Defendant Petitioner Terry Leon, Carr, appear before this honorable Court Pro-Se, and brings this Petition before this Court for a good Cause With facts and good Supports,

The Petitioner Moves this honorable Court under a writ of habeas Corpus State remedies, Comes now Terry Leon, Carr, the Defendant, But hereon after the Defendant Will be using his name as the Petitioner Within this Petition,

The Petitioner Terry Leon, Carr, IS Presently incarcerated at the Bullock Correctional Facility, P.O. BOX #5107 Union Springs, Alabama 36089

THE PETITIONER DEFENDANT REQUEST HIS FUNDAMENTAL RIGHT UNDER THE UNITED STATES CONSTITUTION OF RIGHTS, THE RIGHT TO FILE PAPERS, AND COMMUNICATE WITH THE COURTS, LAWYERS, LEGAL WORKERS, AND THE MEDIA,

The Petitioner, invoke this Petition under the Supreme Court Case of Bounds V. Smith, 430 U.S. 817(1977). States that Prisoners have a fundamental Constitutional right of access to the Courts to receive Personal trial documents, and information from the Court records of the law,

The Petitioner states that his due-Process rights have been violated because he have not had any access to the Court since his criminal trial Case in the Lee County Circuit Court, the Petitioner States that the Lee County Circuit Court Clerk have never furnished him with a COPY of his trial transcript records, the Petitioner states that his trial counsel did not furnish him with a Personal COPY of his trial transcript, or a COPY of the appeals brief,

The Petitioner also further invoke this Petition under the Case, Lewis V. Casey, 518 U.S. 343 (1996), which held that Prisoners have to Show an "actual injury" and the existence of a non-frivolous legal to Win an access to the Court Case,

The Petitioner States his legal Claim under FRAP WITH ELEVENTH CIRCUIT I.O.P. Requesting Copies of the record, [Pursuant to FRAP 45(d) and 11th, Cir. R. 45-1(b)], the original record on appeal may not be Circulated to Counsel or Parties (With the exception of the record COPY of the transcripts), and the (Supplemental appeals brief), Counsel or Parties may obtain Copies of Specified Portions of the record upon Payment of the 50¢ cents Per Page COPY fee set forth in 28 U.S.C. § 1913. (The aforementioned COPY fee is not automatically waived simply because a Party has been allowed to Proceed on appeal in forma Pauperis,

The Petitioner States he invoke this Petition under the base of the first, Fifth and the fourteenth Amendment of the United States Constitution,

The Petitioner further invoke this Petition under the Statute Code of Alabama .12-17-94, Article one (1). Section six(6), of the Alabama Constitution, 'The open records Statute of the Code of Alabama, 36-12-40,' the Alabama rules of Criminal Procedure, and the first, and fourteenth Amendments of the United States Constitution, Providing me with access to the records of MY Criminal trial within the Lee County Circuit Court,

The Petitioner states that Exhibit number one(1), is the correct document statement that the Petitioner filed in the Lee County Circuit Court requesting copies of the records of his Procedure Proceeding so that he could be successful in filing his Post-conviction remedies in the Criminal Court of Appeals, and,"

The Lee County Circuit Court, or trial Counsel has never assisted or furnished me in the Preparation of filing MY Post-Conviction appeals remedies,

(Anders Brief Information)

The Petitioner further invoke this Petition under the statutes of the Anders Briefs Section four(4), the appointed appellate lawyer Counsel Thomas E. Jones, did not furnished the indigent Petitioner with a COPY of his appeals brief or a COPY of his trial transcript record, Anders V. California , 386 U.S. 738, 87 S.Ct. 1396 (1967)

The trial Counsel Thomas E. Jones, has Made a statement saying that he don't have any trial records to send me , or furnish me with ,

Gerhart V. State, 122 S. W. 3d 457 (Tex. APP.-Corpus Christi 2003) states an Anders brief must provide references to both legal precedent and pages in the record to demonstrate why there are no arguable grounds to be advanced, Counsel's brief did not advance any arguable grounds of error, but did not contain a Professional evaluation of the Motion COMPLYING WITH Rule 6.5 T.R.A.P. . The Motion Must Contain(1), a list of current deadlines and settings, (2), the Party's names and last known address, and telephone numbers, (3), a statement that a copy of the Motion was delivered to the Party's, and

(5), a statement that the Party was notified in writing of the right to object to the Motion.

The Petitioner states that he did not receive any legal mail from his trial counsel, or from the Lee County Circuit Court, these procedures are unfair criminal procedures that lack the equality that is required by the fourteenth Amendment, trial counsel, and the circuit court have violated the Petitioner's constitutional rights of the United States,

Page Seven (7)

STATEMENT OF CASE

The Petitioner States that he now have been incarcerated over [#]21 Years Without Knowing What Within MY trial transcript records,

The Clerk of the Lee County Circuit Court Were directed by the Court to Provide or furnish Me with a COPY of MY trial transcript at the State expense, the Petitioner never received the COPY of the transcript record from the Clerk, the Petitioner Could not have file his appeals remedies in the criminal Court of appeal on his Post-Conviction Which got affirmed on 5-1-90, on Memorandum with no opinion from the Court, a certificate of final Judgment of affirmance five years later after the trial,

Please review the exhibit document number one(1) Case action Summer CC-85-745, there can not be a legal Certificate of Service because I have not Yet been served with a Personal COPY of the appeals brief, or a COPY of the trial transcript record,

The Petitioner States that all of his attempts to Challenge his Conviction an Sentence have been unsuccessful because the Lee County Circuit Court has denied him legal access to his trial transcript records, I still need a Personal COPY of MY trial transcript record,

STATEMENT OF CASE AND FACTS

The Petitioner further states that on or about the Month of August 27th, 1985 the Petitioner was arrested by the Lee County Sheriff Department investigators and charged with the crime of Murder in the first degree,

On September 12th, 1985 A Grand Jury return a true bill by indictment charging the Petitioner with first degree Murder of George William, Woods.

On October 31st, 1985 A Grand Jury found the Petitioner guilty of Murder in the first degree,

The Petitioner further states that he has not been allowed to review the autopsy report of the said dead victim, the report from the Lee County Coroner office the investigation report from the Public officer with a cause of death,

The Petitioner further states that the Court, nor his Counsel Attorney did not allow him to review any document reports from the Alabama Department of Forensic Sciences Crime Laboratory evidence, there were know evidence to connect the Petitioner to the intentionally cause of the death of the victim George William, Woods,

The Petitioner further States that he did not have a deadly Weapon of any type of Knife within his Possession,

The Petitioner further States that he Were not allowed to review any Statements from the State Witnesses list of the State Prosecutor, I Were not allowed to review any of the State evidence, or the said Police investigation Narrative report of the Murder Case report,

The Petitioner further States that he Were incarcerated within the Lee County Jail only #66 days and a grand jury indicted him on 9-12-1985, and a grand jury founded him guilty of Murder in the first degree on the date of 10-31-1985, the Petitioner States that the Lee County Sheriff investigators, nor the State Prosecutor, nor the Alabama Department of forensic Scieness Crime Laboratory inSpection Analyst, nor the Lee County Coroner office do a good Professional evaluation of a Murder Case inSpection in just #66 days,

CONCLUSION

After, a conscientious search of only eight documents of Case action SUMMERY Sheets from the Lee County Circuit Court, Clerks office, The Clerk wrote a note stating that, (These are all the records we have) When I requested COPIES of MY trial transcript record, The Petitioner states that he is a victim of a denial of due Process Of law, Without the Proper access to Court trial records,

The Petitioner is a victim of denial of equal Protection of the law,

The Petitioner is a victim of a false imprisonment,

The Petitioner is a victim of Prejudice acts, Within the Lee County Circuit Court,

The Petitioner is a Victim of a Malicious Prosecution Within the Lee County Circuit Court, the Petitioner ask this honorable Court to review his Claim Violation that's not on record by the Court Clerk, and the reporter, and the trial Counsel Attorney by not furnishing the Petitioner With a original COPY of his trial transcript records it is the error fault of the Lee County Circuit Court,

The Petitioner states that it is necessary for the Circuit Court to specify and give details on why the Petitioner have not yet been furnished a free copy of his trial transcript, or a copy of his said appeals brief documents, Without the transcript record, and the appeals brief the Petitioner results on attacking his Post-Conviction will the Petitioner don't have enough of the trial Court criminal Procedures document to file on his Post-Conviction in any Court Federal Court, or State Court, with the requested material of the Court records the Petitioner will never be successful with his appeal Court status, the conviction and - - - sentence of the Petitioner must be vacated dismiss under newly discovered evidence and material facts exist which require that this conviction, and sentence be vacated by the Court, under the due-process violation of the open records statute of the first, and fourteenth Amendment of the U.S. Constitution,

EXHIBIT NUMBER ONE (1).

Date

Inmate's Name: TERRY LEON, CARR AIS# 142607

OFFICE OF THE CLERK

LEE

County Circuit Clerk

OPELIKA

, Alabama

3:06-CV-844-MEF

To Whom It May Concern:

I am presently preparing to pursue possible post-conviction remedies in Case #'s CC-85-745. There are

some documents that I am in need of from your office to assist me in the preparation of my post-conviction remedy. These documents, or at least some of them, may have been furnished previously; however, I am constrained because of circumstances beyond my control and must request that I be sent them at this time.

It is already established in the Circuit Courts that I am indigent, and my status has not changed. I make this request pursuant to the Code of Alabama, 12-17-94; Article I, Section 6 of the Alabama Constitution; The Open Records Statute of the Code of Alabama, 36-12-40; The Alabama Rules of Criminal Procedure; and the First and Fourteenth Amendments of the U.S. Constitution, providing me with access to the courts, due process and equal protection of the laws. If you are unable to provide me with the below listed documents, please explain to me why I can't have them.

Please provide me with a copy of the following documents:

- ☒ (1) Case Action Summary Sheet
- ☒ (2) Record of Transcript/Conviction Report
- ☒ (3) Arrest Report
- ☒ (4) Police Investigator's Report
- ☒ (5) Indictments
- ☒ (6) Notice of Intent to Enhance as HFOA status
- ☒ (7) Plea Agreements
- ☒ (8) "Ireland" Forms
- ☒ (9) Complaints/Affidavits
- ☒ (10) Any and all pre-trial motions

In short, please send me the entire Clerk's record and/or the Circuit Court's file for the above cited case number(s). These documents are important to me. Your earliest and most serious attention to this request is most appreciated.
Thank You.

Sincerely,

Terry L. Carr

EXHIBIT NUMBER ONE (1).

EXHIBIT NUMBER ONE (1).

Date	ACTIONS, JUDGMENTS, CASE NOTES
10/31/85	<p>Restitution hearing was held on this day after both the District Attorney and the Defendant announced ready for hearing. The Court finds from this hearing that the victim of this crime, <u> </u>, suffered a loss of <u>\$10,185</u> as a result of the defendant committing the following criminal act against the victim: <u> </u></p> <p><u> </u> The defendant is therefore ordered to pay to the said victim the sum of <u> </u> and also the court costs and the cost of the State of his court-appointed attorney as a condition of probation, if granted, and if not granted, then the said restitution shall be paid by the defendant from any earnings he receives while in the penitentiary and if not paid prior to parole, then the restitution shall be paid during the term of his parole as a condition of parole; the said payment due to the victim as well as the court costs of \$ <u>303.00</u> and the attorney fee of \$ <u>1,000</u> to be paid to the Clerk of this Court.</p> <p style="text-align: right;"><i>8/10 Wright & Judge</i></p>
12-3-85	Motion for Appeal.
12-9-85	Order Appointing Attorney to Represent Defendant on Appeal
12-19-85	Notice of appeal and letter of transmittal
	VOL 15 PAGE 207
5-12-86	Extension of time for Court Reporter to file transcripts.
10-16-86	Transcript Mailed
10-17-86	Motion to accept Transcript as timely filed.
10-21-86	On Motion record on appeal accepted & considered as timely filed in this Court
11-20-86	Motion for copy of Transcripts
12-1-86	Order
2-25-87	Copy of Opinion, Judgement not final.
3-25-87	Application for rehearing overruled. No opinion.
4-15-87	Certificate of Final Judgment of Affirmance
12-21-89	Petition for Relief From Conviction or Sentence
12-28-89	District Attorney's Response and Motion for Summary Dismissal of Defendant's Writ of Error Coram Nobis (Actual Rule 20 Petition)
1-4-90	Order that the Petition for Relief from Conviction or Sentence is hereby denied.

[illegible]

ALABAMA JUDICIAL INFORMATION CENTER

ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 85 000745 60

IN THE CIRCUIT COURT OF LEE COUNTY JUDGE: RMH
 STATE OF ALABAMA VS CARR TERRY LEON
 CASE: CC 85 000745 60 BULLOCK CORRECTIONAL CTR
 P O BOX 5107
 UNION SPRINGS AL 36089-0000

DOB: 08/29/66 RACE: B SEX: M HT: 000 WT: 000 HR: EYE:
 SSN: 943000745 ALIAS NAMES:

CHARGE1: RULE 32 CODE1: RULE LIT: MURDER I TYPE: F
 CHARGE2: CODE2: 0000 TYPE: F
 CHARGE3: CODE3: 0000 TYPE: F
 MORE?: OFFENSE DATE: __/__/__ AGENCY/OFFICER:

DATE WAR/CAP ISS: __/__/__ DATE ARRESTED: __/__/__
 DATE INDICTED: __/__/__ DATE FILED: 10/24/94
 DATE RELEASED: __/__/__ DATE HEARING: __/__/__
 BOND AMOUNT: \$. 00 SURETIES:

DATE 1: _____ DESC: 0000 TIME: 0000
 DATE 2: _____ DESC: 0000 TIME: 0000

DEF/ATY: TYPE: TYPE:
 PROSECUTOR: MYERS, RONALD L

OTH CSE: 0000000000 CHK/TICKET NO: GRAND JURY:
 COURT REPORTER SID NO: 0000000000
 DEF STATUS: PRISON JURY DEMAND: OPID: KAH

DATE ACTIONS, JUDGMENTS, CASE NOTES

10-21-94 Petition For Relief From Conviction or Sentence
 10-21-94 In Forma Pauperis Declaration
 10-24-94 District Attorney's Response and Motion for Summary Dismissal of Defendant's
 Writ of Error Coram Nobis.
 11-3-94 Order Granting Motion for Summary Dismissal
 11-15-94 Notice of Appeal
 11-17-94 X CERTIFICATE OF COMPLETION
 3-6-95 Affirmed by Memorandum.
 3-24-95 X Certificate of Final Judgment of Affirmance
 9-22-95 X Motion to Compell Requested Information (information sent 9/25/95)
 10/8/98 Petition for Relief from Conviction or Sentence
 10/8/98 In Forma Pauperis Declaration
 11-12-98 District Attorney's Response and Motion for Summary Dismissal of Defendant's
 Writ of Error Coram Nobis
 12-15-98 Order Dismissing Petition
 1-6-99 X NOTICE OF APPEAL
 1-15-99 X Notice of Appeal to Court of Criminal Appeals
 1-15-99 X CLERK'S CERTIFICATE OF COMPLETION---TRANSCRIPT MAILED TO COURT OF CRIMINAL APPEALS
 2/8/99 X Court of Criminal Appeals Docketing Statement/Reporter's Transcript Order

ACR0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 1985 000745.60
JUDGE ID: RMH

STATE OF ALABAMA VS CARR TERRY LEON

DATE ACTION, JUDGMENTS, CASE NOTES

4/30/99 : Memorandum --Affirmed by Memorandum

5/18/99 : CERTIFICATE OF JUDGMENT OF AFFIRMANCE

6/5/00 X : Motion for Copy of Brief

6/19/00 X : Order denying Motion for Copy of Brief

ACR0372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 1985 000745.62
 OPER: KAH CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 04/04/2003
 =====
 IN THE CIRCUIT COURT OF LEE JUDGE: RMH

STATE OF ALABAMA VS CARR TERRY LEON
 BULLOCK CORRECTIONAL CTR
 P O BOX 5107
 UNION SPRINGS, AL 36089 0000
 CASE: CC 1985 000745.62

DOB: 08/29/1966 SEX: M RACE: B HT: 0 00 WT: 000 HR: EYES:
 SSN: 943000745 ALIAS NAMES:
 =====
 CHARGE01: RULE 32-FELONY CODE01: RULE LIT: MURDER I TYP: F #: 001
 OFFENSE DATE: AGENCY/OFFICER: 0430000

DATE WAR/CAP ISS: DATE ARRESTED: 04/02/2003
 DATE INDICTED: DATE FILED: 04/02/2003
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$1.00 SURETIES:

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

TRACKING NOS:

DEF/ATY: PRO SE

TYPE: S

TYPE:

00000

00000

PROSECUTOR: ABBETT NICK

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY:
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: KAH

NOTE: 4/2/03 PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

DATE ACTIONS, JUDGEMENTS, AND NOTES

4/2/03	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE
4/2/03	AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER
5/13/03	D.A.'s Response, Motion for Summary Dismissal of Defendant's Rule 32 Petition
5/16/03	<i>Order Dismissing Petition</i>
5/16/03	<i>Notice of Appeal</i>
5/28/03	NOTICE OF APPEAL TO COURT OF CRIMINAL APPEALS
6.4.03	<i>Certificate of Completion Transcript Order</i>
6.4.03	<i>Reporter Transcript Order</i>
9.19.03	MEMORANDUM OF AFFIRMANCE FROM COURT OF CRIMINAL APPEALS